

Message Text

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ACTION H-03

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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 1108

UNCLAS GENEVA 4277

PASS TO: OFFICE OF SENATOR TED STEVENS

ATTN: MIKE TODD

UNITED STATES SENATE

WASHINGTON, D.C.

FROM: SENATOR STEVENS

E.O. 11652: N/A

TAGS: OREP

SUBJ: CODEL STEVENS

1. PRELIMINARY LAW OF THE SEA CONFERENCE EXPECTED TO WIND UP BUSINESS NEXT WEEK. FISHERIES INFORMAL WORKING GROUP APPEARS TO BE LOSING EFFECTIVENESS DUE TO RUSSIA, JAPAN AND OTHER DELEGATIONS WHICH DO NOT SUPPORT CANADIAN PROPOSAL WAS DESIGNED TO BRING TOGETHER AFRICANS, ASIANS AND NORTH AMERICANS AND TO INCORPORATE DIVERSE POINTS OF VIEW.

2. SUGGESTION OFFERED BY TURKEY THAT SCHEDULE FOR SANTIAGO CONFERENCE COULD NOT BE KEPT PRIMARILY BECAUSE MOST DELEGATIONS HERE HAVE NO AUTHORITY TO NEGOTIATE- NO AUTHORITY TO MODIFY PROPOSALS. AND, THIS CONFERENCE IN FORMAL SESSIONS STILL BOGGED DOWN WITH TOO MANY ALTERNATIVE PROPOSALS-TOO MANY DELEGATES FROM NON COASTAL STATES AND TOO LITTLE INTEREST IN SOME DELEGATIONS IN NARROWING THE ISSUES.

3. MEXICO HAS SUGGESTED THAT FOLLOWING THIS PRELIMINARY CONFERENCE, SECRETARIAT BE AUTHORIZED TO REDUCE NUMBER

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OF ALTERNATIVE PROPOSALS IN ORDER THAT SANTIAGO SCHEDULE

COULD BE MET. RESISTANCE IS OBVIOUS AMONG DEVELOPING NATIONS. FOR INSTANCE, AT LEAST 14 ALTERNATIVE PROPOSALS HAVE BEEN MADE TO DEFINE TERRITORIAL SEA- A CONCEPT UPON WHICH THERE IS LITTLE DISAGREEMENT. THESE MUST BE CONSOLIDATED BEFORE SANTIAGO WHERE POLICY DECISIONS WERE TO BE MADE. ANOTHER ALTERNATIVE WOULD BE TO DESIGNATE ANOTHER PREPARATORY MEETING EARLY IN 1974, WITH THE SANTIAGO CONFERENCE DELAYED UNTIL SUMMER OF 1974. POSSIBILITY OF SUBSEQUENT CONFERENCE IN VIENNA IN 1975.

4. RE ENFORCEMENT OF VESSEL POLLUTION STANDARDS; RUSSIA APPARENTLY NOT SATISFIED WITH ANY PROPOSAL TO DATE. BRAZIL ALSO OBJECTING TO EXISTING PROPOSALS. LITTLE AGREEMENT ON THIS ISSUE-ALTERNATIVES INCLUDE JURISDICTION IN COASTAL, FLAG, OR PORT STATE, WITH MYRIAD OF COMBINATIONS POSSIBLE, E.G., COASTAL STATE JURISDICTION WITHIN 200 MILE ZONE, PORT STATE JURISDICTION WITHIN SPECIFIED ZONE FROM PORT. US OPPOSING SOLE FLAG STATE JURISDICTION; OFFERED CONCRETE PROPOSAL WITH COMBINATION OF JURISDICTION TO PROTECT OBVIOUS COASTAL, PORT AND FLAG STATE INTERESTS. THIS MOST IMPORTANT TO ALASKA-IT CONCERNS STANDARDS FOR VESSEL CONSTRUCTION, OPERATION, ETC.

5. PROFESSOR JOHN NORTON MOORE, UNIVERSITY OF VIRGINIA PROFESSOR, ON LEAVE TO SERVE WITH THE U.S. DELEGATION WILL PRESENT BRILLIANT AND TIMELY PAPER MONDAY SETTING FORTH HIS CONCEPT OF "ZONE-LOCKED" STATES. THIS CONCEPT DEMONSTRATES THAT EXCLUSIVE JURISDICTION OVER ECONOMIC AND POLLUTION IN INDIVIDUAL NATIONS, INSTEAD OF UNDER INTERNATIONAL STANDARDS AND AGREEMENTS WILL LOCK 61 NATIONS IN ZONES AND MAKE THEM SUBJECT TO DECISIONS IN INDIVIDUAL NATIONS WHICH COULD BURDEN MARITIME AND AIR COMMERCE TO THE POINT OF DESTRUCTION. PROFESSOR MOORE POINTS OUT: "UNDER A REGIME RECOGNIZING SOME FORM OF ECONOMIC JURISDICTION IN AN AREA AS FAR SEAWARD AS 200 NAUTICAL MILES, APPROXIMATELY 61 COASTAL STATES WOULD HAVE NO ACCESS TO ANY OCEAN ON WHICH THEY FACE EXCEPT THROUGH THE ECONOMIC AREA OF ONE OR MORE NEIGHBORING STATES". HE POINTS OUT THAT FIVE

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ADDITIONAL STATES WOULD BE PARTIALLY "ZONE-LOCKED", AND AT LEAST SIX MORE WOULD HAVE DIFFICULTY WITH ACCESS. THE UNITED STATES ALONG WITH AUSTRALIA, BRAZIL, CANADA, FRANCE, JAPAN, PERU AND THE U.S. ARE NOT REPEAT NOT ZONE LOCKED. THIS CONCEPT MAY WELL BE THE DETERMINING FACTOR, IN MY OPINION, IN SEPARATING FISHING AND SEABED ASPECTS AT THIS CONFERENCE FROM OTHER ECONOMIC AND NAVIGATION ASPECTS.

6. INTERESTING SIDELIGHT IS THAT MANY NATIONS ARE CHANGING THEIR NAME-CEYLON HAS BECOME SRI LANKA, CAMBODIA THE KHMER REPUBLIC, ETC. THIS NECESSITATES CHANGES IN SEATING ARRANGEMENTS, LISTING AND OTHER FORMALITIES BECAUSE ALL ACTIVITIES HERE DONE ALPHABETICALLY. EVEN DEMONSTRATIVE MAPS DIFFICULT TO USE BECAUSE OF OBJECTIONS, FOR INSTANCE PEOPLE'S REPUBLIC OF CHINA OBJECTED TO MAP WITH "CHINA" IMPRINTED ON FORMOSA.

7. MY COMMENT: ONE NATION-ONE VOTE CONCEPT, BASIC TO ORGANIZATION OF LAW OF SEA CONFERENCE UNWORKABLE. NON COASTAL, LANDLOCKED STATES OUTNUMBER COASTAL STATES. GROUP OF 77 DEVELOPING STATES ALSO HOLD BALANCE OF POWER. PRIMARY SIGNIFICANCE OF THIS AND PRECEDING NEW YORK PRELIMINARY MEETING LIES IN EDUCATIONAL EFFORT OF DELEGATES, AND PROBABILITY OF SUCCESS OF LATER CONFERENCES DIRECTLY PROPORTIONAL TO THE NUMBER OF THESE DELEGATES PERMITTED TO RETURN TO REPRESENT THEIR NATION. THE CHANCE FOR US TO ACHIEVE OBJECTIVES RESTS ON BELIEF THAT UNLESS US AND OTHER SIGNIFICANT MARITIME NATIONS SUCH AS RUSSIA AGREE NO EFFECTIVE INTERNATIONAL AGREEMENT CAN BE ACHIEVED OR ENFORCED.

FURTHERMORE, IT IS CLEAR THAT IF AN AGREEMENT IS ACHIEVED OUR COASTAL FISHERMAN WILL HAVE BETTER PROTECTION-THE PRIMARY QUESTION IN MY MIND AS I LEAVE GENEVA IS WHETHER WE HAVE THE TIME IT IS OBVIOUSLY GOING TO TAKE TO ACHIEVE AN AGREEMENT ACCEPTABLE TO THE U.S.

ACTIVE NEGOTIATIONS ARE PROCEEDING REGARDING SALMON WITH JAPANESE PARTICULARLY CONCERNED WITH US-CANADIAN POSITION
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ON SALMON-WE SEEK SPECIAL CONSIDERATION FOR SALMON WITH CONSIDERABLE SUPPORT EVIDENCED FOR US-CANADA. EXPERTS HAVE FEEL CLIMATE BETTER NOW THAN EVER BEFORE FOR AGREEMENT TO INCLUDE PROTECTION FOR SALMON ON THE HIGH SEA.

8. ALSO ATTENDING THIS CONFERENCE ARE: HOUSE ADVISORS, CONGRESSWOMEN MR. LEONOR K. SULLIVAN, (D. MO) CHAIRMAN MERCHANT MARINE AND FISHERIES COMMITTEE; CONGRESSMAN TOM DOWNING (D. VA) MERCHANT MARINE SUBCOMMITTEE CHAIRMAN; SENATOR FRITZ HOLLINGS (D. SOUTH CAROLINA) CHAIRMAN, OCEAN AND ATMOSPHERES SUBCOMMITTEE; BUD COSTELLO AND JOHN HUSSEY, SENATE STAFF COMMITTEE MEMBERS, AND MANY U.S. ADVISORY REPRESENTATIVES FROM OIL AND GAS, MINING, SHIPPING AND CONSERVATION GROUPS SUCH AS SIERRA

CLUB AND FRIENDS OF EARTH.

9. WE HAVE ALL BEEN MOST IMPRESSED WITH THE HARD WORK
OF THE U.S. DELEGATION THEIR PERCEPTION OF THE
IMPORTANCE OF LOS TO THE UNITED STATES.

10. SEND COPY THIS AND PREVIOUS MESSAGE AND YOUR RELEASES
TO: STAN PATTY. ALSO TO P.I. WRITER SUGGESTED BY JACK.

BASSIN

NOTE BY OC/T: NOT PASSED OFFICE OF SENATOR TED STEVENS.

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